

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Natural Resources, to which was referred House Bill No. 1241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 4, line 17, after "IC 14-16," insert "IC".
- 2 Page 5, between lines 21 and 22, begin a new paragraph and insert:
- 3 "SECTION 6. IC 14-21-1-18 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. (a) A:
- 5 (1) historic site ~~or historic structure~~ **property** owned by the state;
- 6 or
- 7 (2) historic site or historic structure listed on the state or national
- 8 register;
- 9 may not be altered, demolished, or removed by a project funded, in
- 10 whole or in part, by the state unless the review board has granted a
- 11 certificate of approval.
- 12 (b) **Notwithstanding subsection (a), if the division finds, during**
- 13 **the interim between meetings of the review board, that a historic**
- 14 **property owned by the state has been damaged by fire or a natural**
- 15 **disaster and that an emergency exists, the division may approve**
- 16 **routine maintenance, rebuilding, or reconstruction of the historic**
- 17 **property in order to protect the historic property without**
- 18 **requiring a certificate of approval from the review board.**
- 19 (c) An application for a certificate of approval:

(1) must be filed with the division; and

(2) shall be granted or rejected by the review board after a public hearing.

The division may make a recommendation to the review board concerning any application for a certificate of approval that is filed under this section concerning a historic property owned by the state.

~~(c)~~ (d) Subsections (a) ~~and (b)~~ through (c) do not apply to real property that is owned by a state educational institution (as defined in IC 20-12-0.5-1).

~~(d)~~ (e) The commission for higher education and each state educational institution, in cooperation with the division of historic preservation and archeology, shall develop and continually maintain a survey of historic sites and historic structures owned by the state educational institution. Historic sites and historic structures include buildings, structures, outdoor sculpture, designed landscapes, gardens, archeological sites, cemeteries, campus plans, and historic districts. A survey developed under this subsection must conform with the Indiana Historic Sites and Structures Survey Manual.

~~(e)~~ (f) The state historic preservation officer no later than one (1) year after receipt of a ten (10) year capital plan under IC 14-21-1-18.5 shall:

(1) review a proposed state college or university project that involves a historic site or historic structure owned by a state educational institution; and

(2) submit an advisory report to the commission for higher education, the state educational institution, and the general assembly.

~~(f)~~ (g) Not more than thirty (30) days after a state college or university, under section 18.6 of this chapter, submits to the division a description of a proposed project that involves the substantial alteration, demolition, or removal of a historic site or historic structure, the state historic preservation officer shall:

(1) review the description of the proposed project; and

(2) submit to the state college or university an advisory report concerning the proposed project.

The state college or university shall review and consider the advisory report before proceeding with the substantial alteration, demolition, or

1 removal of a historic site or historic structure."

2 Page 7, line 5, after "(b)" delete "The" and insert "**Except as**
3 **provided in subsection (e), the**".

4 Page 7, line 22, delete "archaeology," and insert "**archeology,**".

5 Page 7, line 32, after "of the" insert "**proposed**".

6 Page 7, line 33, delete "the removal" and insert "**a written order is**
7 **issued by the state department of health**".

8 Page 7, between lines 35 and 36, begin a new line block indented
9 and insert:

10 "**(5) Obtain a copy of:**

11 **(A) the written consent required under subsection (b)(3); or**

12 **(B) a court order obtained by a person under subsection (d).**".

13 Page 7, line 40, after "available," insert "**a person who has made**
14 **a request under this section to**".

15 Page 8, line 2, delete "IC 29-1-13" and insert "**IC 29-1-1-3**".

16 Page 8, line 2, after "deceased." insert "**In a proceeding under this**
17 **subsection, the court may not order the disinterment,**
18 **disentombment, or disinurnment of the remains of a deceased**
19 **human.**

20 **(e) This subsection applies only if the human remains are on**
21 **property owned or leased by a coal company. The remains, either**
22 **cremated or uncremated, of a deceased human may be removed**
23 **from a cemetery by a coal company if the coal company obtains a**
24 **court order authorizing the disinterment, disentombment, or**
25 **disinurnment. Before issuing a court order under this subsection,**
26 **a court must conduct a hearing and be satisfied as to the following:**

27 **(1) That the property is owned or leased by the coal company.**

28 **(2) That the coal company has obtained the written consent**
29 **of:**

30 **(A) the spouse of the deceased; or**

31 **(B) the parents of the deceased in the case of a deceased**
32 **minor child;**

33 **authorizing the disinterment, disentombment, or**
34 **disinurnment. If the consent is not available, the court may**
35 **waive the requirement after considering the viewpoint of any**
36 **issue (as defined in IC 29-1-1-3) of the deceased.**

37 **(3) That the department of natural resources, division of**
38 **historic preservation and archeology, has received at least five**

- 1 **(5) days written notice of the time, date, and place of any**
 2 **hearing under this subsection. The notice must describe the**
 3 **proposed place from which the remains will be removed.**
 4 **(4) That a licensed funeral director has agreed to:**
 5 **(A) be present at the removal and at the reinterment,**
 6 **reentombment, or reinurnment of the remains; and**
 7 **(B) cause the completed order of the state department of**
 8 **health to be recorded in the office of the county recorder**
 9 **of the county where the removal occurred.**
 10 **(5) That the coal company has caused a notice of the proposed**
 11 **removal to be published at least five (5) days before the**
 12 **hearing in a newspaper of general circulation in the county**
 13 **where the removal will occur.**
 14 **(6) That the coal company will notify the department of**
 15 **natural resources, division of historic preservation and**
 16 **archeology, after the hearing of the proposed time and date**
 17 **when the remains will be removed."**
 18 Page 8, line 3, delete "(e)" and insert "(f)".
 19 Renumber all SECTIONS consecutively.
 (Reference is to HB 1241 as reprinted February 6, 2002.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Ford

Chairperson